

Section 99(b) of the City Charter provides as follows:

"During the month of July each year the City Planning Commission shall elect a Chairman and Secretary, each of whom shall serve for a term of one year and until his successor has been elected and qualified."

"The City Planning Commission may establish its own rules governing meetings and procedures, subject to the legislative control of the City Council;..."

RULES OF PROCEDURE OF THE PLANNING COMMISSION

I. General

The City of Raleigh Planning Commission shall be governed by the State Laws relating to planning in Raleigh, the City Charter, the City Ordinances and other policies established by the City council as they relate to planning for Raleigh.

II. Membership

The membership shall be made up of those officially appointed by the City Council and the County Commissioners. The Commission shall act as one body on all matters considered, whether within the City's territorial area or extra-territorial area.

III. Officers and Duties

A. A Chairman and a Vice-Chairman shall be elected at a regular meeting of the Planning Commission in the month of July of each year. The officers shall hold office for one year or until their successors are elected. All officers shall be eligible for re-election. In the event of death, retirement or resignation of any officer, a successor shall be elected at the next regular meeting of the Commission, or at a special meeting called for that purpose. The Planning Director shall serve as Secretary.

IV. B. The Chairman shall supervise the affairs of the Planning Commission and preside at the meetings. The Chairman shall appoint committees and sub-committees as may be necessary to carry out the purposes of the Commission. Membership on these committees may include persons not members of the Planning Commission. The Chairman shall be an ex-officio member of all committees and sub-committees so appointed.

The Chairman shall approve the agenda for each meeting and decide all points of order and procedure, subject to these rules unless directed otherwise by a majority of the Commission in session at the time.

The Chairman without first placing an item on a Planning Commission's agenda for consideration by the full Commission, may directly, refer items to any Commission Committee. The Chairman shall report such referrals to the Commission.

C. The Vice-Chairman shall serve as acting Chairman in the

absence of the Chairman, and at such time shall have the same powers and duties as the Chairman.

V. Records and Minutes

The records and minutes of the Planning Commission shall be maintained by the Secretary or a designated member of the Planning staff. The Secretary or designee shall keep the minutes of every meeting of the Commission. A draft of the unofficial minutes shall be transmitted by the Secretary to the next regularly scheduled City Council meeting following the Planning Commission meeting. The unofficial minutes shall be available to the public, however, only the approved minutes shall be a public record of the Planning Commission actions. The minutes of the Planning Commission shall not be official until they are approved by the Commission. The official minutes shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Commission, and all votes of the Commission members upon any resolution or upon the final determination of any question, indicating the names of the members present, absent, excused from, or failing to vote.

The Secretary shall keep a list of pending agenda items and make status reports periodically. A copy of the agenda and all other information needed by the Commission in their consideration will be delivered to the Commission members by 5 P.M. on the Friday before the day of the Commission meetings and shall be available to the public at that time.

VI. Meetings:

- A. Regular Meetings: Regular meetings of the Commission shall be held in the City Municipal Building on a date and time determined according to a mutually agreed upon schedule approved by the Commission. Copies of this schedule shall be placed on file for public inspection in both the Planning Department and in the office of the City Clerk. Public notice of all Commission meetings shall comply with the open meetings laws of the State of North Carolina.

The agenda for the regularly scheduled meetings shall have the order of business designated. The order of the agenda may be altered by a majority vote of the Commission. The meeting can only be extended beyond a three hour meeting time with a majority vote of the Commission. While all regular meetings are open to the public, only members and staff may participate in discussions except that a specific and appropriate question, ruled on by the Chairman, may be asked by a Commission member or a member of the audience at the meeting, provided, however, any citizen may suggest an agenda item as provided in Paragraph E below.

- B. Special Meetings: Special meetings of the Commission may be called at any time by the Chairman or on the request of three (3) members of the Commission. Public notice of all special meetings shall comply with the open meetings laws of the State of North Carolina.

- C. Cancellation of Meetings: The Chairman may cancel or reschedule a regular meeting by stating reason for such cancellation or rescheduling, to all the members and the secretary, not less than twenty-four (24) hours prior to the time set for the meeting. Notice of the canceled meeting shall also be given to the Public Affairs Office of the City and to the public and news media who were notified of the meeting.
- D. Committee Meetings: All committee meetings of the Planning Commission involving two or more members shall conform to the open meetings laws of the state of the North Carolina.
- E. Conduct of Meetings: All meetings shall be open to the public. Any question concerning parliamentary procedure at meetings shall be determined by referral to Robert's Rules of Order and/or advice of the City Attorney. Any citizen may request an item be added to the agenda by notifying the Secretary two full workdays prior to the day of the regular Commission meeting. The Chairman shall rule on the appropriateness of the item and, the amount of time, if any, that will be given to a citizen's request.
- F. Recommendations to Council: The Planning Commission shall make its recommendation to the City Council in writing in the form of Certified Recommendation of the Planning Commission to the City Council. The Certified Recommendation shall show the votes of the Commission members upon all recommendations and shall include findings and reasons upon which the recommendation is based.

The Chairman or his designee shall present the Certified Recommendation to the Council and shall fairly answer all questions of the Council, including, when asked by the Council, reasons for dissenting votes.

VII. Voting

- A. Quorum: A quorum shall consist of six (6) members of the Commission, except meetings held exclusively for the purpose of writing Certified Recommendations of the Planning Commission may be held by the Chairman and at least two other members of the Commission or any three members appointed by the Chairman.
- B. Voting Classifications: There shall be two voting classifications.

1. Aye
2. Nay

(Not voting allowed only as stated in Article VII, Section E, of these procedures.)

- C. In order for the Commission to take official action on an agenda item, a majority of the members voting must vote "aye", or "nay". A members failure to vote on a matter before the Commission, unless said member is excused from

participation by the Chairman or the Commission, shall be an affirmative vote. If any member has an unreadiness to make a decision on an item before the Commission, the Commission member may move deferral of the item.

At any time the motion is made, the time of deferral and the reasons for deferral must be stated and made part of the motion so they also become part of the deferral action.

D. All members shall have equal voting rights.

E. Ethics Clause: The Planning Commission shall be governed by Resolution No. (1988)-955A, as attached, which is herein made part of these Rules of Procedure.

VIII. Budget

A. An appropriate Planning Commission budget shall be adopted by the Commission in January and forwarded to the City Council and the City Manager for consideration in the following year's budget. This budget shall be used at the discretion of the Commission.

B. The Planning Commission may review the Planning Department's proposed budget and make recommendations. The budget is to include all funds used by the department, local, state and federal.

IX. Amendments

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than seven (7) members of the Commission, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.

PLANNING COMMISSION PROCEDURES

- A. Special items to be considered by the Planning Commission should be referred to the City Council outlining the objectives of the item along with a staff estimate of time and cost for the study of the item. The item should then be referred back or determined not to be worthwhile.
- B. The Secretary of the Planning Commission should be responsible for coordination of items being considered by the Planning Commission and other Commissions, Boards and Committees so simultaneous consideration will not be occurring except by joint member or other coordination.
- C. The City Attorney should provide a policy for determining if an item should be readvertised or not.
- D. The City Attorney should advise the Planning Commission so items would not be sent to the City Council with legal questions.
- E. The Planning Commission reports by staff shall be complete and accurate and the information furnished the Planning Commission for consideration should be the same as that furnished the City Council.

ADOPTED: November 27, 1978

AMENDED THROUGH APRIL 26, 1982

AMENDED THROUGH OCTOBER 27, 1986

AMENDED THROUGH MAY 17, 1988

AMENDED THROUGH MARCH 16, 1994

AMENDED THROUGH JANUARY 24, 1995

AMENDED THROUGH FEBRUARY 4, 1997